



Coalition for a Sustainable Delta

November 2, 2010

VIA E-MAIL

Phil Isenberg
Chair, Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814
deltaplancomment@deltacouncil.ca.gov

Re: Comments on the Notice of Preparation (October 18, 2010)

Dear Chairman Isenberg,

The Coalition for a Sustainable Delta (“Coalition”) is writing to provide comments to the Delta Stewardship Council (“Council”) regarding the Notice of Preparation for the Delta Plan dated October 18, 2010 (“NOP”).

We recognize the inherent difficulty in issuing a notice of preparation under the California Environmental Quality Act (“CEQA”) when there is limited information available regarding the ultimate content of the Delta Plan. That being said, we applaud the Council for its efforts to ensure approval of the Delta Plan in accordance with the schedule set forth in last year’s SBX7 1 (the “Legislation”) and initiating the CEQA process at the outset.

In implementing the Legislation, including complying with CEQA in analyzing the environmental impacts associated with the Delta Plan, the Council must remain focused on the co-equal goals mandated by the Legislature. The co-equal goals must be the foundation for the Delta Plan and the analysis of alternatives under CEQA.

The NOP cites to the Legislation for the requirement that the Delta Plan be “consistent” with the Coastal Zone Management Act (“CZMA”) (p. 2)¹. We request that the Council provide additional clarification in the NOP about how the Delta Plan is intended to interact with the CZMA. The Delta Vision Strategic Plan (October 2008) recommended the CZMA as a regulatory mechanism to “ensure effective federal participation in state-level plans.” See http://deltavision.ca.gov/StrategicPlanningProcess/StaffDraft/Delta_Vision_Strategic_Plan_standard_resolution.pdf at 137-138. Such an approach might have

¹ All references are to the red-line version of the NOP available on the Council’s website at http://www.deltacouncil.ca.gov/delta_council_meetings/october_2010/Item_11_Attach_3_redline.pdf and dated October 18, 2010.

some merit but it is unclear what the Council means in the NOP by stating that the Delta Plan must be developed to be “consistent” with the CZMA.

The NOP defines the “primary planning” area as the statutory Delta and Suisun Marsh but it fails to clearly define what the “secondary planning area” is for purposes of the Delta Plan. The Legislation contains a number of provisions related to State-wide water conservation and other actions that will occur outside of the Delta as cited on page 10 of the NOP yet the “secondary planning area” is defined only to include “the watershed of the Delta ... and the geographical areas of California that include water agencies that provide water exported from the Delta.” NOP, p. 9. First, there are a number of northern California areas that divert water upstream of the Delta that should be considered part of the secondary planning area even under the current definition in the NOP. Second, the Legislation requires a number of State-wide measures and projects that will contribute to achievement of the co-equal goals, which suggests that the entire State should be included in the secondary planning area.

With respect to the water resources improvements considered for inclusion in the Delta Plan on pages 11-13 of the NOP, we have a number of concerns and clarifications. First, expanded metering should be included in the discussion of possible urban water conservation measures. Second, the NOP should use equivalent language to address both agricultural and urban water conservation measures. Similar to the treatment of potential urban conservation measures, proposed, expanded agricultural water conservation objectives should be presented as a list, with the words “such as” to replace a mandate of “all technically feasible efficient” management practices. There is no reason provided in the NOP or the Legislation to treat urban and agricultural measures disparately.

Finally, the NOP proposes an almost 90-year study period. Given the high uncertainty related to the magnitude of future sea level rise and other conditions by 2100, we suggest that the Council consider analyzing impacts through the Bay Delta Conservation Plan permit term (estimated through the year 2062) as a more appropriate temporal scope.

The Coalition appreciates the opportunity to provide input on the Delta Plan and its related CEQA process.

Coalition for a Sustainable Delta

A handwritten signature in black ink, appearing to read 'William D. Phillimore', written over a horizontal line.

By: William D. Phillimore, President